

1 BRIAN J. STRETCH (CSBN 163973)
2 Acting United States Attorney
3 ALEX G. TSE (CSBN 152348)
4 Chief, Civil Division
5 KIMBERLY FRIDAY (MABN 660544)
6 Assistant United States Attorney
7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7102
10 Facsimile: (415) 436-6748
11 kimberly.friday@usdoj.gov

12 BENJAMIN C. MIZER
13 Principal Deputy Assistant Attorney General, Civil Division
14 MICHAEL D. GRANSTON
15 SARA MCLEAN
16 S. CHARTEY QUARCOO
17 Trial Attorneys, Civil Division
18 601 D Street, NW, Room 10312
19 Washington, D.C. 20004
20 Telephone: (202) 305-4589
21 Facsimile: (202) 514-0280
22 Attorneys for the United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO HEADQUARTERS

16 UNITED STATES OF AMERICA, *ex rel.*) Case No. C 14-03274 EDL
17 JOHN H. FULLERTON and STATE OF)
18 CALIFORNIA, *ex rel.* JOHN H. FULLERTON,) CONSENT TO DISMISSAL;
19 Plaintiffs,) [PROPOSED] ORDER
20)
21 v.) FILED UNDER SEAL
22)
23 JOEL SKLAR, *et al.*,)
24 Defendants.)

25 Pursuant to 31 U.S.C. § 3730(b)(1), the United States consents to the dismissal of this action

26 without prejudice to the United States. The United States has conferred with Steve Block, Deputy

27 CONSENT TO DISMISSAL; [PROPOSED ORDER]
28 No. 14-03274 EDL

1 Attorney General for the State of California. Mr. Block has represented to the United States that the
2 State of California also consents to dismissal of this action without prejudice.

3 The United States requests that the Court unseal: (1) Relator's Complaint; (2) the summons, if
4 any; (3) the scheduling order; (4) Relator's Notice of Dismissal; and (5) this Consent to Dismissal and
5 Proposed Order. The United States requests that all other contents of the Court's file in this matter
6 (including, but not limited to, any applications filed by the United States for extensions of the sixty-day
7 investigative period, any applications for partial lifting of the seal, and any orders previously entered in
8 this matter) remain under seal and not be made public or served upon defendants. The United States and
9 the State of California do not object to Relator's request to keep the action under seal until September
10 30, 2015.

11 A proposed order accompanies this notice.

12 Respectfully submitted,

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14 BENJAMIN C. MIZER
15 Principal Deputy Assistant Attorney
16 General, Civil Division

17
18 BRIAN J. STRETCH
19 Acting United States Attorney

20 Dated: September 17, 2015

21 By:

22 
KIMBERLY FRIDAY
Assistant United States Attorney

23 Dated: September 17, 2015

24 By:

25 
S. CHARLEY QUARCOO
26 Civil Division, Department of Justice

27 Dated: September 17, 2015

28 By:

STEVE BLOCK
29 Deputy Attorney General
Office of the Attorney General for the State
of California

CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that S. Chartey Quarcoo and
Steve Block have concurred in the filing of this document.

DATED: September 11, 2015

BRIAN J. STRETCH
Acting United States Attorney

Kimberly Friday
KIMBERLY I. FRIDAY
Assistant United States Attorney

1 **[PROPOSED] ORDER TO UNSEAL**

2 The United States and the State of California having consented to dismissal of this action without
3 prejudice pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), IT IS HEREBY ORDERED that:

4 1. The Complaint, the summons, the scheduling order, Relator's Notice of Dismissal, this Order,
5 and the accompanying Consent to Dismissal are hereby unsealed.

6 2. Any applications and/or declarations that have been filed under seal by the United States for
7 an extension of the sixty-day investigative period or for any other reason shall remain under seal and not
8 be made public or served upon the defendants.

9 3. The seal shall be lifted as to all other matters occurring in this action after the date of this
10 Order.

11
12 IT IS SO ORDERED.

13
14 Dated: September 25, 2015

15 
16 ELIZABETH D. LAPORTE
17 United States Magistrate Judge